

# The State of South Carolina



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January 22, 1991

The Honorable Warren K. Giese  
Senator, Richland County  
P.O. Box 142  
Columbia, South Carolina 29202

Dear Senator Giese:

You have requested advice as to whether the Board of Trustees (Board) of Richland County School District Two (District) may meet outside the geographic confines of that district for the purpose of discussing District or Board business when no vote is being taken committing the District or Board to a course of action. S.C. Code Ann. § 59-1-340 (1990) provides in part as follows: "All meetings [of each county board of education or board of trustees] whether regular or special, shall be held at the school district office or at such other place within the District that the Board deems convenient and suitable." (emphasis added) The Freedom of Information Act defines "meeting" as follows: "... the convening of a quorum of the constituent membership of a public body ... to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power." Section 30-4-20(d) Sup. (1990) (emphasis added).

The following rule of statutory construction is applicable here: "where the terms of a statute are clear and unambiguous, there is no room for construction and the terms must be accorded their literal meaning." Detyens v. Maguire, 284 S.C. 198, 324 S.E.2d 648 (S.C. 1984). Here, Section 59-1-340 applies to "special" as well as "regular" meetings in that it uses what is ordinarily mandatory language in requiring meetings to be held within the District ("shall"; South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E.2d 134 (1986)). That these meetings include meetings for the purposes of discussion only is made clear by the above quoted definition of

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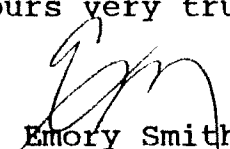
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"meeting" in the Freedom of Information Act which expressly includes such meetings. 1/

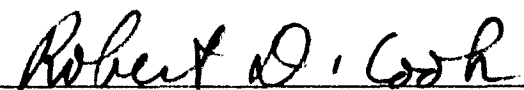
In conclusion, meetings of the Richland County School District 2 Board of Trustees which are held for discussion purposes only, must be held within the boundaries of the District under the term of Section 59-1-340. If you need additional information, please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

JESjr/rl

REVIEWED AND APPROVED BY:

  
Robert D. Cook  
Executive Assistant for Opinions

  
Joseph D. Shine  
Chief Deputy Attorney General

1/ Generally, statutes in pari materia [pertaining to the same subject matter] should be construed together and reconciled, if possible, so as to render both operative. Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970); Sutherland Statutory Construction, Vol. 2A Section 51.02; Op. Atty. Gen. dated July 12, 1985.